

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

IN RE: THE SEARCH OF INFORMATION  
ASSOCIATED WITH FACEBOOK USER IDs:

- a. **“Account 1: (DocMf Holiday Daniels)”;**  
100010422763526
- b. **“Account 2: (Grymee-a IamMusic);**  
1394562556

Misc. No. 15-mc-51198-61

THAT IS STORED AT PREMISES  
CONTROLLED BY FACEBOOK

**AFFIDAVIT IN SUPPORT OF AN**  
**APPLICATION UNDER RULE 41 FOR**  
**A WARRANT TO SEARCH AND SEIZE**

I, Shawn Horvath, being first duly sworn, hereby depose and state as follows:

2. I make this affidavit in support of an application for a search warrant for information associated with certain Facebook user ID's that are stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C.

§§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

3. I have been a full-time Border Patrol Agent with the United States Border Patrol (USBP) since June of 2009. During my time with USBP I have over two years of experience working in a plain clothes investigative and intelligence unit, termed DISRUPT. I am currently assigned to the Detroit FBI Violent Gang Task Force and have been so since September of 2014. I have investigated numerous Federal violations including, but not limited to, controlled substance violations, interstate transportation of commerce, immigration violations, and violent criminal acts. I also hold an Associates of Applied Science in Criminal Justice, a Bachelors of Science in Psychology with a Minor in Communication, and a Master's of Science in Criminal Justice.

4. I have been investigating the Seven Mile Bloods gang. I have interviewed numerous members of this gang. I have reviewed several dozen Detroit Police Reports concerning criminal acts done by members of this organization. I am very familiar with the organizational structure of the Seven Mile Bloods in the city of Detroit. My investigation has revealed the following:

- a. The Seven Mile Bloods are a criminal enterprise, as defined by 18 U.S.C. § 1961(4) and 18 U.S.C. § 1959(b)(2);
- b. There is a longstanding and ongoing history of violence being committed by members of the Seven Mile Bloods;
- c. Members of the Seven Mile Bloods are a close-knit group and that it is not uncommon for many of the members to be involved in related acts of violence; and
- d. Social media outlets are used as a means by some gang members to take credit for violent incidents, communicate with one another their criminal behavior, and promote their image of the gang.

5. Through my training and experience, I have learned that when an ongoing history of violence involving many separate members of the same gang exists, it is not uncommon for the violent members at the central core of the gang to associate with each other, and to plan together aggressive acts and/or acts of violent retaliation to be perpetrated by a few members of this violent central cadre. I have also learned that gang members who use their own firearms in gang war situations retain access to those firearms for protection from retaliation and/or frequently pass those firearms to fellow gang members for safekeeping, in order to prevent the weapons from being seized by law enforcement officers pursuant to a search of their residences, vehicles, or persons.

6. It is my experience in investigating street gangs that most members are known by street names or monikers to their fellow gang members, and that they frequently write their names or monikers of their associates on walls, furniture, miscellaneous items, and/or papers, both within their residences or their vehicles.

7. It is also my experience in the investigation of street gangs that most gang members keep photographs and photograph albums, in which are depicted (a) fellow gang members who are posing and giving hand gang signs that indicate gang identity or affiliation, (b) gang members or associates posing with weapons, particularly firearms that are often used for criminal activities, (c) gang members or associates posing beside vehicles that are occasionally used during the commission of crimes, and (d) gang members or associates posing at locations that are known to be specific gang hangouts.

8. I am being assisted in this investigation by multiple sources of information that have provided the FBI with information regarding homicides, assaults, armed robberies, narcotics trafficking, and the detailed structure and membership of various criminal enterprises, especially the Seven Mile Bloods. All of the information provided by these sources of information to the FBI, which has been investigated, was found to be true, and therefore reliable and credible.

9. Because the information outlined below is provided for the limited purpose of establishing probable cause, this affidavit does not exhaustively contain

each and every fact and detail of which I and other law enforcement officers are aware relating to this investigation.

### **PROBABLE CAUSE**

#### **The Seven Mile Bloods Investigation**

10. The Federal Bureau of Investigation (FBI) and the Detroit Police Department (DPD) are conducting a criminal investigation concerning the Seven Mile Bloods criminal street gang and their members, for violations of Title 18, United States Code, Section 1962 (Racketeering Influenced Corrupt Organizations Act); Title 18, United States Code, Section 1959 (Violent Crimes in Aid of Racketeering); and Title 18, United States Code, Section 922(g) (Felon in Possession of Firearm); and Title 18, United States Code, Section 924(c) (Use of Firearm in Furtherance of a Crime of Violence).

11. Since at least October 2011, the FBI has conducted proactive investigative efforts regarding the criminal activities of the Seven Mile Bloods organization operating in the Detroit, Michigan, area. Since then, the FBI and DPD have obtained, and continue to develop, evidence regarding the nature, scope, structure, and activities of the Seven Mile Bloods, which indicate that this organization is a criminal enterprise engaged in conspiracies to commit federal

and state criminal offenses (as is further detailed herein). This evidence has been developed through multiple sources of information, including witness interviews, confidential sources of information, analysis of telephone toll records, Facebook records, physical and video surveillance, and the identification and review of historical criminal activities. The various types of information supporting a finding of probable cause will be summarized in greater detail later in this Affidavit.

12. The existence and structure of the Seven Mile Bloods is well documented by the FBI and DPD, and is considered by such agencies as one of the more violent criminal enterprises currently operating in the Detroit metropolitan area. Based on the instant investigation, the Seven Mile Bloods organization derives their income from the sale of illegal narcotics, robberies, and a variety of other criminal methods. Further, members of the Seven Mile Bloods have also engaged in shootings, assaults, homicides, and threats of intimidation.

13. To date, the investigation indicates that approximately 50 Seven Mile Bloods members and/or associates are currently operating throughout Detroit, Michigan. This organization has a presence in other states, including West Virginia, and operates from Michigan across state lines, including using interstate communications facilities to conduct gang business, enforce gang discipline, and

recruit gang members. The Seven Mile Bloods originated in Detroit, Michigan, and police reports have documented the organization's illegal activity back to 2005. The Seven Mile Bloods is divided into sub-groups known as "sets," which are expected to assist one another, collaborate with one another on criminal activities, and answer to the gang's leaders in Detroit. Some of the names given to these sets are the SMB Kings, SMB Juniors, Hob Squad, 55, and Grinch Gang.

14. This investigation has also determined that Seven Mile Bloods commonly utilize a variety of unifying marks, manners, and identifiers, including "gang signs," clothing, and tattoos that are specific to the organizations. Specifically members and associates wear red clothes, utilize the five-pointed star, and the numbers 762, 55 or 19 13 2 to symbolize their gang affiliation.

15. Investigators have also determined that members of the Seven Mile Bloods utilize cellular phones to communicate with other members to plan specific acts of violence and other crimes, discuss past criminal activity, and to further the goals of the organization. They also use various social media networks to monitor, track, and communicate in furtherance of the organizations.

16. Between October 2011 and August 2015, the FBI and DPD has interviewed multiple individuals, including victims, cooperating witnesses involved or associated with the Seven Mile Bloods, and witnesses to the criminal

activities of the Seven Mile Bloods. These interviews detail multi-person conspiracies by the Seven Mile Bloods criminal enterprise to commit murder and attempted murder, armed robbery, homicide, narcotics trafficking, and witness intimidation. The offenses identified from the witnesses' interviews span from approximately 2009 through as recent as August 2015.

17. These interviews have identified multiple specific acts of violence conducted on behalf of the Seven Mile Bloods conspiracy, including murders, assaults, and shootings of rival gang members.

18. These witness interviews are supported by other sources of information, including police reports, social media posts, physical surveillance, and the identification and review of historical criminal activities.

19. Members of the Seven Mile Bloods who are currently incarcerated in federal and state prisons have communicated to members and associates who are not currently locked up through use of their cell phones. Some of those calls have been intercepted and reviewed. There have been discussions regarding illegal activities, meetings, and members of the Seven Mile Bloods placing money in the accounts of the incarcerated members.

20. Law enforcement officers have observed the social media accounts of numerous identified members of the Seven Mile Bloods gang. Seven Mile Blood members are utilizing their cell phones to post photos and videos to their accounts depicting gang names colors, and hand signs, memorials to dead gang members, organization and structure of their gang, and criminal activity to include, convicted felons in possession of firearms, and possession and use of illegal narcotics.

21. On May 19, 2015, law enforcement received information about an Instagram page named 000\_big\_blood that threatens members of rival gangs including DJUAN PAGE, aka "NEFF," a rival gang member believed to have been murdered by members of the Seven Mile Bloods. A public version of the Instagram page was reviewed and the main title to the page as "da skore we ^7, smokin yo DEAD homies, 42K Gbk fuck neff fuck drew fuck smurf fuck head fuck yo yo fuck twin dey all DEAD". The Instagram page refers and shows a collage of pictures from the funeral of DJUAN PAGE. The account user, 000\_big\_blood, posts under the picture "Kaught him at DA light like kusin Harold." Emoji's are then pictured with a person and a gun pointed at the person. 000\_big\_blood tags numerous Instagram pictures and threatens them by posting to his page their picture from their Instagram pages. The account user 000\_big\_blood will post information on the person, such as the Instagram page

with the name of guttaneff. This page is tagged by 000\_big\_blood stating “U stay on 13 mile wit yo girl stop playing roles u know we kumin”.

22. On September 16, 2015, law enforcement became aware of a party to be held in memory of DEVON MCCLURE, aka “BLOCK,” a deceased Seven Mile Blood gang member, at the Crazy Horse Adult Entertainment, located at 8140 Michigan Avenue, Detroit, Michigan, on September 25, 2015. The announcement for the party came in the form of a flyer on an Instagram belonging to associates of the Seven Mile Bloods gang. The name for the party was “Block Day” and a picture of DEVON MCCLURE was used on the flyer.

23. Leading up to the “Block Day” party, social media accounts were reviewed and members and associates of the Seven Mile Bloods were communicating through social media to coordinate their arrival at the party. Additionally, while inside of the Crazy Horse during the event, members of the Seven Mile Bloods were posting photos and videos from inside of the club.

24. On or about September 25, 2015, members of the FBI VGTF conducted surveillance in the area of Crazy Horse Adult Entertainment located at 8140 Michigan Avenue, Detroit, Michigan. Known members and associates of the Seven Mile Bloods, including STEVE ARTHUR JR., aka “STEVE-O,” BILLY ARNOLD, aka “B-MAN” or “BERENZO,” ANDREW THOMAS, aka “CHINO,”

ARLANDIS SHY, aka "GRYMEE A," JEFFAUN ADAMS, aka "J-ROCK," MARCUS SMITH, MICHAEL GRAY, DEVON PATTERSON, aka "DUCK" or "SOSA," and WILLIE MCCALL were observed arriving at the club.

25. STEVE ARTHUR JR. and BILLY ARNOLD departed from the Crazy Horse in a blue 2002 Chevrolet Trailblazer bearing Ohio license plate GJH1851, which had previously been reported stolen. Police Officers of the Detroit Police Department Tactical Response Unit attempted to do a traffic stop and a pursuit ensued. The pursuit terminated on Interstate 94 at Interstate 75. ARTHUR attempted to flee on foot but was quickly apprehended. ARNOLD was arrested inside of the vehicle. The officers recovered a Bushmaster, Model XM15-E2S, Serial# BFI468505, .223 caliber rifle, with a fully loaded 40 round magazine from the rear compartment of the Trailblazer.

26. On February 17, 2016, a federal grand jury in the Eastern District of Michigan returned a second superseding indictment that charged 15 SMB members SMB with racketeering conspiracy, in violation 18 U.S.C. § 1962(d), and possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c). In addition, the second superseding indictment charged certain individuals with 26 additional counts related to murder, attempted murder, assault and firearms with shootings connected to their gang war with their rivals. Those

SMB members being indicted are BILLY ARNOLD, EUGENE FISHER, STEVEN ARTHUR, JEROME GOOCH, JEFFREY ADAMS, COREY BAILEY, ROBERT BROWN, DIONDRE FITZPATRICK, QUINCY GRAHAM, ANTHONY LOVEJOY, DERRICK KENNEDY, CHRISTOPHER OWENS, DEVON PATTERSON, MICHAEL ROGERS, and ARLANDIS SHY.

27. As a result of the second superseding indictment, law enforcement officers obtained federal arrest warrants for the individuals described above, as well as search warrants for residences where some of these individuals resided. In addition, law enforcement officers have executed search warrants at other residences associated with SMB members. I personally participated in most of these searches and have personally reviewed evidence recovered from these searches. Based on these searches, I know that it is common for SMB members to keep evidence of their gang affiliation within their residence. This evidence includes narcotics, firearms, clothing associated with the gang, letters from incarcerated gang members, hand written rap lyrics pertaining to the gang's criminal activities, as well as pictures of gang members, drugs and/or firearms.

28. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their

accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

29. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

30. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

31. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

32. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages,

attachments, and links that will typically be visible to anyone who can view the user's profile.

33. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos associated with a user's account will include all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

34. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

35. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

36. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

37. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

38. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

39. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

40. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to

purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

41. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

42. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

43. Some Facebook pages are affiliated with groups of users, rather than one individual user. Membership in the group is monitored and regulated by the administrator or head of the group, who can invite new members and reject or accept requests by users to enter. Facebook can identify all users who are currently registered to a particular group and can identify the administrator and/or creator of the group. Facebook uses the term “Group Contact Info” to describe the contact information for the group’s creator and/or administrator, as well as a PDF of the current status of the group profile page.

44. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.

45. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

46. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or

bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

47. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

48. **"Account 1: (DocMf Holiday Daniels)"** is associated to DAVID DANIELS who is identified as a member of the Seven Mile Bloods.

- a. This account shows in the timeline posted pictures of DAVID DANIELS. The account name uses "Doc", which is also identified as the street name for DAVID DANIELS. He is also friends on facebook with several members of SMB. This includes DIONDRE FITZPATRICK, EUGENE FISHER, DONNELL HENDRIX, MICHAEL ROGERS, CHARLES LEE, ROBERT BROWN,

ARLANDIS SHY, WILLIE MCCALL, DEVON PATTERSON,  
JEFFREY ADAMS, and MICHAEL GRAY.

- b. A confidential source (CS-1) provided information that BILLY ARNOLD, COREY BAILEY, and DAVID DANIELS were participants in a shooting that resulted in a homicide on July 14, 2014 at the Lawton Parole Office in Detroit, MI. CS-1 has provided information in the past that has been proven to be reliable. Source believes DAVID DANIELS to be the driver of the suspect vehicle.
- c. Pictures were seized from 14518 Manning St., Detroit, MI on or about March 1, 2016 from the residence of DEVON PATTERSON. These pictures show DAVID DANIELS to be with several members of SMB.
- d. On or about August 4, 2015 the facebook account for CHARLES LEE, who is identified as a member of SMB, posted two pictures of himself with DIONDRE FITZPATRICK, BILLY ARNOLD, DAVID DANIELS, and an unknown black female. In both pictures a gun is visible at the feet of FITZPATRICK who is sitting in a chair.

- e. On or about July 22, 2014 a music video produced by SUPPARAY titled, “Money, Desire, Regrets”, artist COCAINE SONNY (feat. BERENZO). COCAINE SONNY is identified as COREY BAILEY and BERENZO is identified as BILLY ARNOLD. DAVID DANIELS is observed in this music video at approximately the 1:20 minute mark with a black in color handgun in his right pocket. This handgun has an extended magazine.
  - f. On or about July 25, 2006 Third Circuit Court of Wayne County Michigan found DAVID DANIELS guilty of Weapons-Felony Firearm – Second Offense Notice.
  - g. On or about July 10, 2001 Third Circuit Court of Wayne County Michigan found DAVID DANIELS guilty of Weapons Felony Firearm, and two counts of Assault With Intent to Do Great Bodily Harmless Than Murder.
1. **“Account 2: (Grymee-a IamMusic); 1394562556”** is associated to ARLANDIS SHY who is identified as a member of the Seven Mile Bloods.
- a. This account shows numerous posted pictures of Arlandis Shy, including a profile picture. Above in the name of the account

he uses “Grymee”, which is also identified as the street name for Arlandis Shy.

- b. ARLANDIS SHY is noted above in paragraph 26, and is currently facing federal charges for 18 U.S.C. § 1962(d), and possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c). He was arrested on March 2, 2016 by FBI violent Gangs Task Force for these offenses.
- c. ARLANDIS SHY has pled guilty on April 16, 2015 of Drug related offenses in 16<sup>th</sup> District Court Macomb County.
- d. ARLANDIS SHY pled guilty on June 19, 2013 of CCW Weapons violations through Third Circuit Court Wayne County.
- e. On or about April 2, 2009, ARLANDIS SHY arrived by Greyhound bus in Charleston, West Virginia. Shortly after arriving, police pulled over the vehicle in which SHY was a passenger. In the back seat of the car was a plastic bag containing 300 Oxycontin pills. A bag of marijuana was also found in ARLANDIS SHY’s pants pocket.

f. On or about January 15, 2009, police in Charleston, West Virginia, executed a search warrant in an apartment. ARLANDIS SHY was located in the apartment along with a large quantity of drug packaging, 13 grams of marijuana packaged for sale, and U.S. currency.

g. ARLANDIS SHY has been previously convicted on December 5, 2007 of Felony Dangerous Drugs through Third Circuit Court Wayne County.

**INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

49. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

**CONCLUSION**

50. Based on the forgoing, I request that the Court issue the proposed search warrant.

51. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).] **AND/OR** [“is in a district in which the provider is located or in which the wire or electronic communications, records, or other information are stored.” 18 U.S.C. § 2711(3)(A)(ii).] **AND/OR** [“is acting on a request for foreign assistance pursuant to [18 U.S.C. § 3512].” 18 U.S.C. § 2711(3)(A)(iii).]

52. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

53. I submit that this affidavit supports probable cause for a search warrant authorizing the examination of the listed face book accounts to seek the items described in Attachment A and B.

**REQUEST FOR SEALING**

54. I further request that the Court order all papers in support of this application, including the affidavit and search warrant, be sealed until further order

of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

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Shawn J. Horvath,

United States Border Patrol

Subscribed and sworn to before me  
on October 7, 2016;  
**ANTHONY P. PATTI**

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HON. ANTHONY P. PATTI  
UNITED STATES EXECUTIVE MAGISTRATE JUDGE